



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

August 19, 1996

Mr. Kevin D. Pagan  
Assistant City Attorney  
City of McAllen  
P.O. Box 220  
McAllen, Texas 78505-0220

OR96-1481

Dear Mr. Pagan:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 100498.

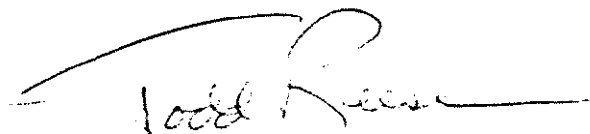
The City of McAllen (the "city") received a request for "any offense reports" regarding two individuals. You claim this information is excepted from required public disclosure pursuant to section 552.108 of the Government Code.

The Office of the Attorney General will raise section 552.101 on behalf of a governmental body when necessary to protect third-party interests. Open Records Decision Nos. 481 (1987), 480 (1987), 470 (1987). Section 552.101 of the act excepts "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." This exception encompasses information that is protected by common-law and constitutional privacy. In *United States Department of Justice v. Reporters Committee For Freedom of the Press*, 489 U.S. 749 (1989), the U.S. Supreme Court concluded that where an individual's criminal history information is compiled or summarized by a *governmental entity*, the information takes on a character that implicates an individual's right of privacy in a manner that the same individual records in an uncompiled state do not. Based on *Reporters Committee*, this office has concluded that a request for all law enforcement records of a specified individual implicates the individual's common-law privacy rights, and the responsive information is excepted from disclosure under section 552.101.

Because the request for information in this instance seeks "any offense reports" regarding two individuals, any law enforcement information compiled by the city on these individuals is excepted from disclosure under section 552.101 and the common-law right to privacy and may not be released.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Todd Reese", with a long horizontal flourish extending to the right.

Todd Reese  
Assistant Attorney General  
Open Records Division

RTR/rho

Ref.: ID# 100498

Enclosures: Submitted documents

cc: Mr. David A. Araujo  
Littleton Claims, Inc.  
1212 East Harrison, Suite 271  
Harlingen, Texas 78550  
(w/o enclosures)